IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.268 OF 2006
IN
CRI.REVISION APPLN.NO.118 OF 2006
IN
M.J.PETITION NO.E-34 OF 2002

Abdul Hasif Khan ..Applicant

Vs.

Rahaina Banu Abdul Hasif Khan
& Ors. ..Respondents

Mr.V.Y.Mishra for the applicant

Ms.Apurva Parsekar for the respondent no.1

Ms.Shilpa Gajre, A.P.P. for the respondent state

CORAM : J.N.PATEL &
A.A.SAYED, JJ.

DATED : 5TH JULY, 2007

P.C.:

1. The learned counsel for the respondent is permitted to withdraw the sum of Rs.2000/- which has been deposited as initial expenses for litigation.

2. This is an application for restoration of

application for condonation of delay in filing Criminal Revision Application. It is the case of the applicant that the matter came to be dismissed for non-prosecution by this court on 17.04.06 and it came to the notice of the applicant after he contacted his advocate and when his advocate took search of the matter on 13.12.06, it was revealed that the matter came up on board on 17.04.06 and was dismissed for non-prosecution and the application came to be filed immediately on the next date i.e. on 14.12.06. No affidavit is placed on record of the concerned advocate that the applicant was told not to contact his advocate and that the advocate would inform him as and when the matter is listed on board. Therefore, we find that this is not a good and sufficient reason to condone the delay which is of 212 days and the application is rejected.

(SHRI J.N. PATEL, J)

(SHRI A.A. SAYED, J)